COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: November 29, 2018

FILE NO.: 018-14293-1410-058

C: ASSAULT WITH A DEADLY WEAPON ON A PEACE OFFICER, 245 (C)PC; INFLICT CORPORAL INJURY TO COHABITANT, 273.5(a)PC; FALSE IMPRISONMENT, 236PC; ATTEMPT TO DISARM PEACE OFFICER, 148(d)PC RESULTING IN A DEPUTY INVOLVED SHOOTING

ACTION: ACTIVE/INVESTIGATION CONDUCTED/EVIDENCE COLLECTED/INTERVIEWS CONDUCTED
*DEPUTY RYAN FUQUA
*[redacted]
*DEPUTY CLARENCE MCZEAL
*DEPUTY ARMANDO BARRERA
*[redacted]
*RASHAAD FRANCO

D: 11.01.2018 (THURSDAY) AT 0322 HOURS

L: DBA [redacted]
INDUSTRY, CAL. 91744

V/1: DEPUTY CLARENCE MCZEAL
LASD – EMPLOYEE #[redacted]

V/2: [redacted] FW/[redacted]

V/3: [redacted] FW/[redacted]

S: FRANCO, RASHAAD MB/11.26.1987
BKG#5462 765
CII#[redacted]
CDL #[redacted]



****

EVIDENCE

Item 8: Smith & Wesson, M&P, 9MM, semi-automatic handgun, serial number HRM[redacted]. The firearm had a magazine that contained 14 rounds and 1 live round in the chamber.

Item 9: Duty leather belt consisting of holster, two handcuff cases, ASP baton with holder, portable radio holder, key holder with keys, and two magazine pouches.

****

On 11-01-2018 at approximately 0400 hours, Investigators Mark Perez and Karen Shonka were dispatched to A[redacted]store located at[redacted]in the city of Industry regarding a deputy involved shooting. Investigators arrived at the scene and were briefed by Deputy Daren Jaramillo on the circumstances of the shooting.

Investigators were told that Deputy Clarence McZeal was inside the [redacted] store, when he heard a traffic collision outside in front of the store. He walked outside to investigate the collision and saw a female white exit the front passenger seat of a black sedan. A male black exited the driver's seat (Suspect Rashaad Franco). The female ran towards the front of the store, as Suspect Franco confronted and assaulted Deputy McZeal. As a result, a deputy involved shooting occurred. Suspect Franco ran into the [redacted] store and took a female employee hostage. After a brief negotiation, Suspect Franco released the employee and was taken into custody. Suspect Franco was treated by L.A. County Fire personnel and transported to Los Angeles County USC Medical Center for a gunshot wound.

Homicide Investigators Gary Sloan and Brandt House were assigned to assist with the investigation and were tasked with processing the shooting scene. They were assisted by Forensic Identification Specialist, Deputy John Chun from Scientific Services Bureau. Deputies Daren Jaramillo and Vincent Benavides were assigned to handle the initial response of the incident. All those assisting with the investigation will prepare reports documenting their actions and observations and will become a permanent part of this case.



Internal Affairs Sergeants Irys Alvarez and Thomas Arellano responded and conducted an administrative investigation.

Deputy District Attorney Kim Toney, Sergeant [redacted] and Senior Investigator [redacted] from the Los Angeles County District Attorney Justice System Integrity Division responded and conducted their investigation of the shooting also.

Investigators examined the scene of the shooting and saw that it was being preserved with yellow crime scene tape.

INTERVIEWS CONDUCTED

(Investigators Note: Below is a summary of interviews which were recorded in their entirety and will be transcribed. For details of the interviews please refer to the transcripts).

Interview with Deputy Ryan Fuqua

On 11-01-2018 at 0658 hours, Investigators interviewed **Deputy Ryan Fuqua (#[redacted]** in the kitchen area of Industry Station. Internal Affairs Bureau Sergeants Irys Alvarez and Thomas Arellano were also present. The following is a summary of the audio recorded interview:

Deputy Fuqua told Investigators he was [redacted]. He started the Sheriff's academy in December 2006 and graduated the academy on [redacted]. After graduation, he was assigned to the [redacted] for approximately [redacted] years. In [redacted], he transferred to [redacted]. In [redacted] he was temporarily assigned to [redacted]. In August of 2015, he transferred back to Industry Station. Deputy Fuqua's regular shifts are currently [redacted] hours to [redacted] hours with [redacted] and [redacted] days off. His regular car assignment is unit 143K3. His assignment today was unit 144F and started at [redacted] hours. Deputy Fuqua was working in a one man unit.

On the day of the shooting, Deputy Fuqua was parked across the street from Industry Station, when he heard emergency radio traffic regarding a deputy detaining someone at gunpoint. He responded to the [redacted] store located at [redacted] in his marked radio car. When he arrived, he saw two females in the parking lot, as well as debris on the ground. He was advised on the radio to go to the rear of the [redacted] Deputy Fuqua entered the store and saw Deputy McZeal and Deputy Barrera, detaining the suspect on the floor.



Deputy Fuqua holstered his weapon and was handed the Taser from Sgt. Gomez, as the suspect was handcuffed by Deputy McZeal and Deputy Barrera. Deputy Barrera also placed a hobble restraint around the ankles of the suspect, due to him moving and rolling his body. He saw Los Angeles County Fire Department - Engine 26 arrive and under the command of Captain Duran, they began to medically treat the suspect. Deputy Fuqua assisted the Fire Department with lifting the suspect onto the gurney. At the request of the Fire Department, Deputy Fuqua un-handcuffed the suspect so they could medically treat him. Deputy Fuqua had no other involvement with the incident.

Investigators concluded our interview with Deputy Fuqua.

Interview with Witness [redacted]

On 11-01-2018 at 0724 hours, Investigators interviewed **Witness** [redacted] in the kitchen area of Industry Station. Also present were Internal Affairs Bureau Sergeants, Irys Alvarez and Thomas Arellano. Sergeant [redacted] Senior Investigator and Deputy District Attorney Kim Toney from the Judicial Services Integrity Division, were present as well. The following is a summary of the audio recorded interview:

At approximately 0220 hours, Witness [redacted] was inside the [redacted] store when a deputy (later identified as Deputy McZeal) entered. Her [redacted] (Victim [redacted]) was on a break in an office to the rear of the store. Witness [redacted] was talking to the deputy when she and the deputy heard a loud crash outside. She believed a car had struck Victim [redacted]s vehicle that was parked in front of the store.

Witness [redacted] advised Victim [redacted] and then walked out of the store and stood near the front entrance doors. She said she saw the deputy approach the vehicle and try to ascertain what had just happened. She saw the male driver of the vehicle back away from the deputy. A female white, exited the front passenger seat and was yelling hysterically and yelled, "Oh my God!" Witness [redacted] described the driver as a male black in his late twenties to thirties, wearing a white tee shirt. At this point, Witness [redacted] walked back inside the store to call her [redacted]. Victim [redacted] and the female passenger walked into the store. Witness [redacted] said the female passenger was wearing no shoes and appeared to have urine stains on her pants.

Witness [redacted] saw the deputy backing away from the male black, as he closed the distance to the deputy. Witness [redacted] saw the male black then struggling with the deputy, as he pulled his handgun out and shot one time. Witness [redacted] was still standing just outside the front doors, when she saw the suspect run toward the store.

Witness [redacted] saw Victim [redacted] run to the office near the front counter. Witness [redacted] ran to the left (opposite direction), towards the beer section. She saw the suspect run towards the bathroom that is next to the office. The suspect did not say



anything, nor did she see anyone else in the store. As Witness [redacted] ran towards the front door, she saw another deputy arrive at the scene. The other deputy told her to go outside, as she heard a deputy yelling at the suspect to let her go. Witness [redacted] saw the suspect grab Victim [redacted] in a bear hug, as she heard her (Victim [redacted] say, "Let me go!" Witness [redacted] saw Victim [redacted] being pushed to the ground by the suspect, as she lost sight of her. Later, she then saw Victim [redacted] running out of the store and ran to her where they sat together and waited for the deputies. Witness [redacted] never heard the suspect say anything during the incident.

Investigators concluded their interview with Witness [redacted]

Interview with Victim [redacted]

On 11-01-2018 at 0858 hours, Investigators interviewed **Victim [redacted]** in the kitchen area of Industry Station. Also present were Internal Affairs Bureau Sergeants, Irys Alvarez and Thomas Arellano. Sergeant [redacted] Senior Investigator and Deputy District Attorney Kim Toney from the Judicial Services Integrity Division, were present as well. The following is a summary of the audio recorded interview:

Victim [redacted] told Investigators at approximately 2:30A.M., she was on a lunch break. She heard Witness [redacted] tell her that her vehicle had been hit. She went outside and saw a female pacing back and forth in the parking lot. The female went into the store, as Victim [redacted] followed. The female purchased an ice coffee from Victim [redacted] Victim [redacted] walked back outside, when she heard a gunshot. She turned and ran back inside the store, as the suspect followed her.

Victim [redacted] stated she ran into the rear office and attempted to shut the door. She placed her shoulder against the door, as the suspect forced the door open. The suspect placed a bear hug on her as she heard the suspect yell at the deputies, "Look what I have!" The suspect pulled Victim [redacted] to the ground, by pulling her hair back with one hand and the other hand wrapped around her torso area. Victim [redacted] heard the deputies yelling for the suspect to let her go, but the suspect did not comply. Victim [redacted] said one deputy pulled on her leg to free her from the suspect. Eventually, the suspect released his grasp of her and she ran outside the store.

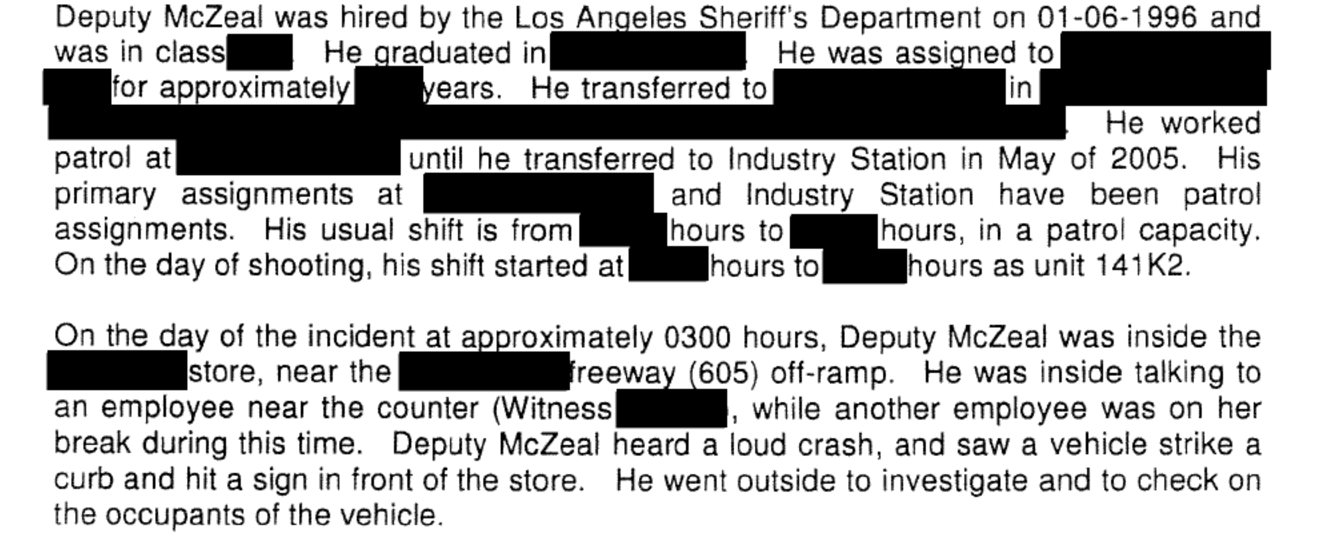
Investigators concluded their interview with Victim [redacted] For further, see transcription of the audio recorded interview.

Interview with Deputy Clarence McZeal

On 11-01-2018 at 1003 hours, Investigators interviewed **Deputy Clarence McZeal (#[redacted]** in the kitchen area of Industry Station. Also present were Internal Affairs Bureau Sergeants Irys Alvarez and Thomas Arellano.



Deputy McZeal was also being represented by his attorney, Michael Schwartz with the law offices of Rains, Lucia, Stern, St. Phalle & Silver (RLS). The following is a summary of the audio recorded interview:



Deputy McZeal was hired by the Los Angeles Sheriff's Department on 01-06-1996 and was in class [redacted] He graduated in [redacted]. He was assigned to [redacted] for approximately [redacted] years. He transferred to [redacted] in [redacted]. He worked patrol at [redacted] until he transferred to Industry Station in May of 2005. His primary assignments at [redacted] and Industry Station have been patrol assignments. His usual shift is from [redacted] hours to [redacted] hours, in a patrol capacity. On the day of shooting, his shift started at [redacted] hours to [redacted] hours as unit 141K2.

On the day of the incident at approximately 0300 hours, Deputy McZeal was inside the [redacted] store, near the [redacted] freeway (605) off-ramp. He was inside talking to an employee near the counter (Witness [redacted], while another employee was on her break during this time. Deputy McZeal heard a loud crash, and saw a vehicle strike a curb and hit a sign in front of the store. He went outside to investigate and to check on the occupants of the vehicle.

A female white with blond hair and forty-five to fifty years old (Victim [redacted], exited the front passenger seat. As she exited, she yelled, "Get away from me, can't believe you did this!" Deputy McZeal also saw a male black (Suspect Rashaad Franco) exit the vehicle and began walking towards the female. Suspect Franco was angry and yelling incoherently. The female was running towards Deputy McZeal and yelling back at Suspect Franco. The female continued to distance herself from Suspect Franco, as Suspect Franco attempted to re-contact the female. Deputy McZeal attempted to talk to Suspect Franco to de-escalate the incident. However, Suspect Franco was not making any sense and was still speaking incoherently. He was breathing heavy and appeared agitated.

Deputy McZeal stood approximately five feet from Suspect Franco during the initial contact, as he also saw Witness [redacted] standing outside the front doors of the [redacted] Deputy McZeal stated he was not sure of Suspect Franco's intentions. As a result, he requested back-up on L-Tac (tactical radio channel frequency). Deputy McZeal walked towards his patrol car as Suspect Franco walked towards him and was about three to five feet away at this point. Suspect Franco then lunged at Deputy McZeal and grabbed him by the shoulders with each hand. Deputy McZeal yelled at Suspect Franco to stop. Suspect Franco continued on and slid his hands down towards Deputy McZeal's waist and felt Suspect Franco's left hand on his handgun. Suspect Franco then placed his right hand on the left shoulder of Deputy McZeal in an attempt to control him. Deputy McZeal felt pressure on his holstered handgun from the left hand of Suspect Franco, as he believed Suspect Franco was attempting to



manipulate and un-holstering his firearm. Deputy McZeal believed Suspect Franco's intention was to remove his duty weapon and kill him. Deputy McZeal went on to say Suspect Franco never yelled or spoke to Deputy McZeal during the assault. Deputy McZeal believing Suspect Franco was trying to kill him and fearing for his life, fired two to three rounds at Suspect Franco's torso area. Suspect Franco was extremely close to Deputy McZeal when he fired his firearm. After being shot, Suspect Franco turned and ran into the [redacted] store. Deputy McZeal broadcasted emergency radio traffic that he had been involved in a shooting. Deputy McZeal re-entered the [redacted] store and saw Suspect Franco holding Victim [redacted] in a choke hold, as she screamed and cried.

Suspect Franco held Victim [redacted] in front of him, as a shield. Suspect Franco then pulled Victim [redacted] to the ground, while keeping her as a shield. During this time, Deputy Barrera arrived and entered the [redacted] store. Suspect Franco spoke incoherently as he appeared to get weaker. Deputy McZeal grabbed a part of Victim [redacted]s body and attempted to pull her away from Suspect Franco. Deputy McZeal continued to order Suspect Franco to release Victim [redacted] during the incident, but he did not comply. Victim [redacted] finally was freed from the grasp of Suspect Franco and she ran away from the scene.

Deputy McZeal continued to order Suspect Franco to place his hands behind his back to be handcuffed, but he did not comply. He and Deputy Barrera eventually were able to handcuff Suspect Franco. Due to Suspect Franco kicking his legs, Deputy Barerra placed a hobble restraint around the ankles of Suspect Franco, to prevent him from kicking. The fire department arrived and medically treated Suspect Franco for his injuries. While talking to Deputy McZeal, Investigators saw an abrasion approximately five inches in length on his left forearm. He stated the injury was new and he did not have it prior to the incident. Investigators took a photograph of the injury.

Investigators concluded their interview with Deputy McZeal.

Interview with Deputy Armando Barrera

On 11-01-2018 at 1058 hours, Investigators interviewed **Deputy Armando Barrera** (#[redacted]) in the kitchen area of Industry Station. Sergeants Irys Alvarez and Thomas Arellano from the Internal Affairs Bureau were also present, as well as Deputy Barrera's attorney, Michael Schwartz (law offices of RLS). The following is a summary of the audio recorded interview:

Deputy Barrera told Investigators he was a [redacted] from [redacted] and was assigned to the [redacted]. He was then hired by the Sheriff's Department on 01-10-98 and attended the two tier sheriff's academy, class [redacted] He graduated [redacted] months later and was assigned to [redacted]



[redacted]. Approximately [redacted] later, he was assigned back to the academy and attended the second portion of the academy as class [redacted]. After graduating class [redacted], he was assigned back to [redacted] for over [redacted] years. In [redacted] he transferred to [redacted] In [redacted] to [redacted] he transferred to [redacted].

Deputy Barrera stated in [redacted] he transferred back to [redacted] and was assigned as a field training officer. In [redacted] he transferred back to [redacted] as a field training officer. Approximately [redacted] years later, he transferred to [redacted]. Approximately [redacted] years later, he [redacted]. In February of 2017, he transferred back to Industry Station and was assigned as a Watch Deputy.

Deputy Barrera stated he started his shift last night (10-31-2018) at [redacted] hours. He was assigned as unit 141K1. While driving on Workman Mill Road, he heard Deputy McZeal request on L-Tac if there was anyone available to respond to the [redacted] on [redacted] Deputy McZeal stated on the radio he might have a domestic violence incident. Deputy Barrera said the request by Deputy McZeal was really short and didn't appear to be his usual request.

Deputy Barrera explained to Investigators that the request sounded weird, because he hears Deputy McZeal's voice every day on the radio, due to Deputy Barrera working in the radio room of Industry Station. Deputy Barrera said he worked [redacted] with Deputy McZeal and he usually sounds calm on the radio. Hearing Deputy McZeal ask for someone, alerted Deputy Barrera. He said Deputy McZeal usually says all the information needed on the radio, but on this occasion, he was very short with his request. Deputy Barrera responded to the location, when he heard another unit ask on L-Tac if Deputy McZeal needed another unit. Deputy McZeal replied with a one word response that was not clear. As a result, Deputy Barrera believed something was wrong. Deputy Barrera arrived and entered the south entrance of the [redacted] parking lot. As he arrived, he saw Deputy McZeal near the gas pumps. He saw Suspect Franco facing Deputy McZeal, with his arms wrapped around the waistline area of Deputy McZeal and described it as a bear hug.

He described Suspect Franco as a male black, wearing a white tee shirt and was approximately the same size as Deputy McZeal. As Deputy Barrera parked his vehicle, he realized Suspect Franco was assaulting Deputy McZeal. As Deputy Barrera exited his vehicle, he saw Deputy McZeal push Suspect Franco away from him with both hands. Suspect Franco was still closer than an arm's reach to Deputy McZeal. Suspect Franco continued to extend his arms towards Deputy McZeal.



Deputy McZeal then bladed his body (turned his gun side away from the suspect). Deputy Barrera demonstrated to Investigators by raising his left hand in front of his body, placed his right leg back and placed his right hand on his holstered firearm.

Deputy Barrera believed Suspect Franco was attempting to re-engage Deputy McZeal to assault him again. Deputy McZeal then un-holstered his firearm, but did not raise it completely. He said Deputy McZeal shot from his hip area. He stated it was the same way the [redacted]. Deputy Barrera believes he shot from his hip because Suspect Franco was too close to Deputy McZeal and he did not have time to raise his firearm completely. Deputy Barrera heard two to three gunshots. Deputy Barrera said he did not hear Suspect Franco or Deputy McZeal saying anything during the shooting. Deputy McZeal attempted to get ahold of Suspect Franco, but he turned and ran into the [redacted] Not knowing if Suspect Franco had been shot, he asked Deputy McZeal if he was okay. Deputy McZeal replied, "He tried to grab my gun, he tried to grab my gun!"

Deputy Barrera looked towards the [redacted] store and saw one female standing outside the front entrance and two females standing inside the [redacted] store. He described the female standing outside as white and wearing a pink sweatshirt. Deputy Barrera followed Deputy McZeal inside the [redacted]. He saw Suspect Franco near the corner of the hotdog stand standing in front of some doors. Deputy Barrera also saw Witness [redacted] standing in the first aisle as she left the store.

As Deputy Barrera walked further into the [redacted] store, he saw another [redacted] (Victim [redacted] standing near the hallway that lead to the back room and restroom area. He also saw that Suspect Franco had been shot. Deputy Barrera requested on his radio for the fire department to respond. He then saw Suspect Franco grab Victim [redacted] and put her in a choke hold or carotid restraint with his right arm. Suspect Franco put Victim [redacted] in between himself and Deputy Barrera and Deputy McZeal. At the same time, Suspect Franco was dragging her backwards, as she began crying and screaming. Deputy McZeal ordered Suspect Franco to get on the ground and told him they would get him help. While still holding Victim [redacted] they both fell to the ground and he continued to use her as a shield. Suspect Franco continued to drag Victim [redacted] backwards, while still on the ground. He estimated Victim [redacted] being dragged back approximately five feet.

Deputy Barrera attempted to talk Suspect Franco into letting Victim [redacted] free. Suspect Franco did not comply and continued to hold Victim [redacted] Deputy Barrera believed Suspect Franco was getting weaker and he and Deputy McZeal pulled on Victim [redacted] to free her from Suspect Franco. Victim [redacted] broke free from Suspect Franco and she fled from the scene. As other units arrived, Suspect Franco turned on his stomach as he and Deputy McZeal handcuffed him.



Due to Suspect Franco flailing his feet, Deputy Barrera placed a hobble restraint around his ankles to restrain his feet. Deputy Barrera ended his involvement in the incident as other deputies relieved him.

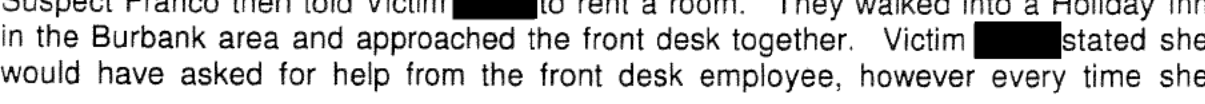
Investigators concluded their interview with Deputy Barrera.

Interview with Victim [redacted]

On 11-01-2018 at 1143 hours, Investigators interviewed **Victim** [redacted] in the kitchen area of Industry Station. Also present were Internal Affairs Bureau Sergeants, Irys Alvarez and Thomas Arellano. Sergeant [redacted] Senior Investigator and Deputy District Attorney Kim Toney from the Judicial Services Integrity Division, were present as well. The following is a summary of the audio recorded interview:

Victim [redacted] told Investigators she has known Rashaad (Suspect Franco) since December of 2017, which led into a dating relationship. In February of 2018, Victim Franco punched Victim [redacted] on her face and stole her car in the city of Modesto. As a result, Victim [redacted] filed a restraining order against Suspect Franco with the San Joaquin County Court House. Victim [redacted] stated on 10-30-2018, she was going to rehabilitation in the city of Stockton, when she saw Suspect Franco. Suspect Franco asked Victim [redacted] for a ride to see his probation officer. Victim [redacted] agreed and gave him a ride. When they arrived at their location, Suspect Franco refused to get out of her vehicle. During their interaction, Suspect Franco took her phone and purse from her. She was unable to call for help.

Suspect Franco told Victim [redacted] he wanted to drive, but she refused. As a result, Suspect Franco threatened Victim [redacted] by lunging at her, as if he was going to strike her. Victim [redacted] eventually stopped for gas and Suspect Franco sat in the driver's seat when she exited. Suspect Franco was now driving Victim [redacted]s vehicle and he drove towards southern California. He told Victim [redacted] when they arrive in Los Angeles, she would have to walk the streets to make money. Victim [redacted] responded to Suspect Franco that she would not do that. Suspect continued to shout at Victim [redacted] as she became afraid of Suspect Franco. When they arrived in the Burbank area (10-31-18) at approximately 2:00 A.M., Suspect Franco stopped her vehicle and told her to get out to walk the streets. Victim [redacted] refused to exit the vehicle. Suspect Franco then grabbed Victim [redacted]s hair and forced her to look at him. Suspect Franco again ordered Victim [redacted] to walk the streets to make money. Again, Victim [redacted] said, "No!" Suspect Franco struck her on her face one time with his open palm.



Suspect Franco then told Victim [redacted] to rent a room. They walked into a Holiday Inn in the Burbank area and approached the front desk together. Victim [redacted] stated she would have asked for help from the front desk employee, however every time she



looked at the employee, Suspect Franco nudged Victim [redacted]. Victim [redacted] paid for a room, but she did not feel comfortable being in the room with Suspect Franco. While in the room, Suspect Franco took Victim [redacted]s car keys in case he fell asleep. On Halloween night (10-31-2018) at approximately 11:00 P.M., Suspect Franco was driving Victim [redacted]s vehicle, while she was in the front passenger seat. He was driving extremely reckless and Victim [redacted] became afraid. She attempted to get Suspect Franco to let her drive. She believed Suspect Franco was trying to get into an accident. She was not sure where they were, but she stated it was close to the area where Suspect Franco collided his vehicle in the [redacted] parking lot.

Victim [redacted] stated she believed Suspect Franco was "high," as he drove into oncoming traffic. Due to Suspect Franco driving dangerously, Victim [redacted] put the vehicle into the parking gear. The vehicle stopped and Suspect Franco exited. Victim [redacted] then sat in the driver's seat. Victim [redacted] began driving towards the 605 freeway. Suspect Franco began yelling and sitting very close to Victim [redacted]. Once she entered the 605 freeway, Suspect Franco pulled on the steering wheel at one point, causing the vehicle to swerve. Victim [redacted] slowed the vehicle and drove onto the shoulder of the freeway.

Victim [redacted] stated while still seated in the front passenger seat, Suspect Franco climbed over to the driver's seat. Victim [redacted] was still seated in the driver's seat, as Suspect Franco opened the driver's door and began pushing her out and onto freeway traffic. Victim [redacted] said she was pushed out of the vehicle and stood outside near traffic. She attempted to get back into the vehicle and asked Suspect Franco if he was trying to kill her. Suspect Franco then opened the driver's door and pulled Victim [redacted] back into the vehicle through the driver's door.

Victim [redacted] stated Suspect Franco forced her over his body while seated in the driver's seat and onto the front passenger seat. Suspect Franco began driving erratically on the freeway. Victim [redacted] said Suspect Franco struck a champagne colored vehicle on the (605) freeway. Suspect Franco continued to drive, but did not know what happened to the other vehicle. She just heard tires screeching. Victim [redacted] said she begged Suspect Franco to stop the vehicle, but he continued to drive erratically.

Suspect Franco exited the freeway, hit a sign and collided with a truck in the parking lot. Victim [redacted] exited the vehicle and saw a deputy. She screamed at Suspect Franco that she hated him and couldn't believe what he had done. The deputy walked towards their vehicle and asked her what happened. She walked past the deputy and let him talk to Suspect Franco. She walked into the [redacted] store and bought something to drink. She was crying and never spoke to the deputy. She was only inside the [redacted] store long enough to purchase the drink. She walked back outside and saw Suspect Franco walking towards the deputy near her vehicle.



Victim [redacted] then saw Suspect Franco fighting with the deputy near the gas pumps. As the deputy was struggling with Suspect Franco, she screamed, "Rashaad!" Her intention was to get Suspect Franco to stop struggling with the deputy. The deputy and Suspect were facing each other, as she saw Suspect Franco attempt to pin the deputy's arms by wrapping his arms him. Victim Franco was standing near a trash container in front of the [redacted] store, when she heard a gunshot and saw smoke. She was looking downward and did not see the deputy shoot. She saw Suspect Franco run into the [redacted] store, as the deputy followed. Another deputy arrived and saw him enter the store as well. Victim [redacted] did not re-enter the [redacted] store and sat down near the store. She did not see or hear anything that had occurred inside the [redacted] store.

Victim [redacted] said Suspect Franco has had other domestic violence incidents before and he has told her he has assaulted law enforcement officers in the past. She stated Suspect Franco was arrested in August 2018 for violating the restraining order. Victim [redacted] reiterated that she believed she could not escape Suspect Franco, due to him taking her phone, car and other possessions. She last saw him ingest narcotics on Tuesday (10-30-18) and believes he used methamphetamine.

Investigators concluded their interview with Victim [redacted].

Interview with Suspect Rashaad Franco

On November 11, 2018 at approximately 1400 hours, Investigators interviewed **Suspect Rashaad Franco** inside his hospital room at the Los Angeles County Medical Center – I.C.U. The following is a summary of audio recorded interview.

Investigators advised suspect Franco of his Miranda Rights, which he stated he understood. Suspect Franco told investigators he attends a rehabilitation center for his narcotics use and is on parole under the AB109 law. He said that [redacted] (Victim 3[redacted] is his [redacted] and he has been dating her since December of 2017. However, he stated they do not have children together. Suspect Franco stated he has used crystal methamphetamine in the past.

Suspect Franco told investigators that Victim [redacted] requested a restraining order against him the County of San Joaquin County. Suspect Franco said she requested the order because she was upset with him for not communicating with her. He stated he was arrested by Stockton Police Department for violating the order in June or July of 2018. He went on to say two nights before the shooting occurred, he said that Victim [redacted] picked him up in her vehicle in the city of Modesto. He said the day before he got shot, they drove to the Los Angeles area. Suspect Franco stated he and Victim [redacted] took turns driving the car to Los Angeles. When asked if they made any stops along the way he didn't answer and requested a lawyer.



When told by Investigators that he attacked a deputy sheriff, Suspect Franco responded by saying he did not attack a deputy. Suspect Franco said he somewhat recalls the vehicle accident and that he was scared. He added again that he would rather have an attorney with him to advise him further.

Investigators concluded their interview with Suspect Franco at this time.

Deputy McZeal Firearm Inspection/Photo

On 11-01-2018 at 0932 hours, Investigators conducted a firearm inspection of Deputy Clarence McZeal's firearm and Deputy John Chun from the Scientific Services Bureau took photographs of Deputy McZeal in uniform and of his duty belt.

Deputy McZeal was in full class "A" long sleeved patrol uniform with his badge pinned to his left chest and patches on both shoulders and duty belt. Deputy McZeal was carrying a Smith & Wesson M&P 9MM handgun with serial number #HRM[redacted]. There was one round in the chamber and fourteen rounds in the magazine. Prior to the shooting, Deputy McZeal was carrying his firearm with one round in the chamber and seventeen rounds in the magazine. Deputy Chun took possession of the firearm and duty belt (**ITEMS 8 AND 9**).

Video Surveillance Recordings

Investigators viewed several video surveillance recordings that were mounted inside and outside the [redacted] store. The following is a summary of the video recordings:

Camera 2 – Points northbound near the center of the interior of the store. Only shows Suspect Franco, Deputy McZeal, Victim [redacted] and Witness [redacted] from the waist up, as they run past the front counter.

Camera 3 – Points in a southbound direction and towards the front counter of the [redacted] store.

Time Stamp 21:53:13: Witness [redacted] is standing [redacted] the front counter and Deputy McZeal is standing in front of the counter. They both turn towards the front of the store, as Deputy McZeal appears to walk outside the store. Witness [redacted] and Victim [redacted] are seen walking from the left side of the screen and towards the front of the store.

Time Stamp 21:54:15: Witness [redacted] walks from the right of the screen and to the

left. She then can be seen [redacted] the counter as Victim [redacted] walks from the front of the store. Victim [redacted] then walked from the front of the store and to the left. Victim [redacted] then can be seen [redacted] the front counter. Witness [redacted] is seen walking out of view from the screen and re-appears walking towards the front of the store. Victim [redacted] appears to purchase an item from victim [redacted] Victim [redacted] then walks towards the front of the store. Victim [redacted] appears to get frightened and quickly walks to the left of the screen and out of view. Witness [redacted] is seen running from the front of the store and to the left of the screen. Running immediately behind Witness [redacted] is Suspect Franco. Deputy McZeal is seen walking from the front of the store and to the left. Deputy McZeal is seen walking back towards the left of the screen, with Deputy Barrera behind him.

Camera 4 – Is on the exterior of the [redacted] store and points towards the gas pumps in a southwest direction.

Time Stamp 21:53:16: Deputy McZeal is seen walking outside the front door of the [redacted] store and westbound through the parking lot. Deputy McZeal leaves camera view to the right of the screen. Witness [redacted] and Victim [redacted] walk outside the front doors and appear to be looking in the direction of where Deputy McZeal had previously walked to. They both walk toward the west side of the parking lot and out of camera view. Witness [redacted] Victim [redacted] and Victim [redacted] then appear in to view and enter the [redacted] store. Deputy McZeal and Suspect Franco appear in camera view as Deputy McZeal is talking to Suspect Franco.

Suspect Franco is seen pacing back and forth and then momentarily walks away from Deputy McZeal and within feet of the front of the [redacted] doors. Deputy McZeal appears to talk on his portable radio as Suspect Franco appears to watch. Witness [redacted] then walks out from the front doors. Suspect Franco begins walking towards Deputy McZeal as Deputy McZeal appears to talk on his portable radio again. Deputy McZeal continues walking backwards as Suspect Franco continues to walk towards him. Deputy McZeal walks back several feet, as Suspect Franco gets within two two-three feet of Deputy McZeal.

Deputy McZeal then places his right hand on his holstered firearm and extends his left hand towards Suspect Franco. Deputy McZeal then walks back towards the front door of his marked patrol vehicle and appears to attempt to open the door, but it doesn't open. Suspect Franco walks towards Deputy McZeal again, as Deputy McZeal backs away from Suspect Franco and his radio car. Flashing emergency lights are seen in the background and approach the scene. Suspect Franco appears to see the emergency lights and attempts to open the driver's door of Deputy McZeal's radio car, but it doesn't open. As the arriving patrol car



proceeds closer, Suspect Franco begins to quickly close the gap between him and Deputy McZeal. Deputy McZeal backs away as Suspect Franco quickly lowers his body in a grappling stands and advances on Deputy McZeal. Suspect Franco wraps his arms around Deputy McZeal and lowers his left hand toward Deputy McZeal's holstered firearm. Deputy McZeal continues to back away with his left hand extended forward towards Suspect Franco, as he keeps his right hand on his holstered firearm. Suspect Franco continues to advance on Deputy Franco, by grabbing at his upper body. Deputy McZeal then un-holsters his firearm and points his firearm at Suspect Franco and fires. The second patrol vehicle arrives as Suspect Franco quickly backs away from Deputy McZeal. Victim [redacted] is standing just outside the front doors during the attack of Deputy McZeal and Witness [redacted] ran back into the store.

Camera 5- Points towards the west behind the front counter in a downward angle.

Time Stamp 21:55:47: Victim [redacted] is standing behind the front counter and quickly runs eastbnound from behind the counter. Suspect Franco is seen immediately running past the front counter and towards the direction of Victim [redacted]

Time Stamp 21:56:20: Victim [redacted] is seen back in camera view attempting to break free from Suspect Franco's grasp. Suspect Franco is standing behind her with both hands wrapped around her torso. Victim [redacted] manages to pull Suspect Franco off balance, however, Suspect Franco gets control and pulls Victim [redacted] backwards and out of camera view. Deputy McZeal appears to grasp at Victim [redacted] however he is unsuccessful as he has his firearm drawn. Deputy Barrera comes into camera view to assist Deputy McZeal.

Time Stamp 21:57:25: Deputy Barrera is seen assisting Victim [redacted] to free herself, as she flees the area.

Camera 6- Is mounted in the storage area and points in a downward direction towards the sink area. There was no video seen related to this incident.

Camera 7- Is mounted in the storage area and points in an east direction towards the storage room door.

Time Stamp 21:53:19: victim [redacted] is sitting near the door of the storage room, as Witness [redacted] enters. The both quickly exit the room.

Time Stamp 21:55:51: Victim [redacted] quickly opens the door and enters the storage room. She attempts to fully close the door and appears to brace her body against the door to close it. Suspect Franco then forces the door open and enters the room. Victim [redacted] attempts to open the door, but Suspect Franco



forces the door closed to prevent Victim [redacted] from exiting. Suspect Franco then opens the door and appears to direct Victim [redacted] to walk in front of him. Suspect Franco wraps his arms around Victim [redacted] and closely walks behind her. They both momentarily leave camera view as they appear to walk in the walkway just outside the storage room.

Time Stamp 21:56:29: Suspect Franco appears to be struggling with Victim [redacted] as he keeps his body behind Victim [redacted] They both fall to the ground, with Suspect Franco's right arm around the neck of Victim [redacted] After several seconds, Victim [redacted] appears to free herself, as Suspect Franco stands and then falls back to the floor. After several seconds, Deputies McZeal and Barrera and assisting deputy personnel handcuff Suspect Franco.

Camera 8- Is in the interior of the store and points in a south direction, in the most westerly aisle (closest to the front door). The camera points in the direction of the front counter, however it only shows peoples feet.

Time Stamp 21:55:59: Depicts Witness [redacted] walking southbound on the aisle and towards the front door where she eventually exits the store.

Camera 9- Is on the exterior of the store and points towards the car wash payment machine in a north direction. There was no video seen related to this incident.

Camera 10- Is behind the front counter and points north in a downward direction.

Camera 11- Is behind the front counter and points north in a downward direction.

Time stamp 21:53:13: Witness [redacted] is standing behind the front counter and Deputy McZeal is facing her in front of the counter. Both Witness [redacted] and Deputy McZeal appear to have their attention drawn outside the store as they both look towards the parking lot. Deputy McZeal walks outside the store, as Witness [redacted] and Victim [redacted] exit the store after him.

Time Stamp 21:54:13: Witness [redacted] victim [redacted] and Victim [redacted] enter the [redacted] store. Witness [redacted] and Victim [redacted] walk behind the front counter as Victim [redacted] appears to [redacted]. Witness [redacted] walks back outside the [redacted] store. Victim [redacted] then exits the store. Victim [redacted] remained behind the front counter.

Time Stamp 21:55:44: Witness [redacted] runs back inside the [redacted] store and Victim [redacted] ran to her right and out of camera view. Suspect Franco is seen running inside the [redacted] store eastbound and out of camera view. Deputy McZeal is



seen walking back inside the [redacted] store with Deputy Barrera a short distance behind him.

Time Stamp 21:57:33: Victim [redacted] is seen running outside the [redacted] store.

Camera 12- Is on the exterior of the [redacted] store and points towards the gas pumps in an easterly direction.

Time Stamp 21:53:09: Depicts Suspect Franco's vehicle exit the northbound 605 freeway, crosses [redacted] eastbound, jumping the curb and collides with a small street sign. The vehicle comes to rest on the northwest area of [redacted] parking lot. Deputy McZeal's marked patrol car is parked northbound in the parking lot, along the west side of the [redacted] store.

Time Stamp 21:55:17: Deputy McZeal is seen walking backwards just northwest of his marked patrol vehicle. Suspect Franco is seen walking towards Deputy McZeal. Deputy McZeal continues to back up several feet as Suspect Franco quickly attempts to grab Deputy McZeal's holstered firearm. Suspect Franco also faced and grabbed Deputy McZeal's upper body. Deputy McZeal backs away, un-holsters his firearm and shoots Suspect Franco, who is seen still grabbing Deputy McZeal.

Suspect Franco then turns and runs away from Deputy McZeal as Deputy Barrera drives into camera view. Deputy McZeal follows Suspect Franco with Deputy Barrera a short distance behind him. Other patrol units begin to arrive.

Camera 13- Is on the south exterior area of the [redacted] and points in a southwest direction towards the south entrance to the parking lot.

Time Stamp 21:55:38 Deputy Barrera's patrol vehicle drives northbound on [redacted] and enters the south entrance of the parking lot and stops out of camera view.

Camera 14- No video recording.

Camera 15- No video recording.

Camera 16- No video recording.



This investigation is ongoing and additional reports will follow.

Submitted by: Investigator Mark Perez, #[redacted]
Investigator Karen L. Shonka, #[redacted]
Approved by: Lieutenant Scott Hoglund, #[redacted]
Homicide Bureau - Detective Division

SH
11/29/18